	1	tmaster@hrmrlaw.com							
	2	ROBERT J. GUNDERT [SBN 104486] rgundert@hrmrlaw.com							
	3	HOWARD ROME MARTIN & RIDLEY LLP 1900 O'Farrell Street, Suite 280 San Mater CA 204403							
	4	San Mateo, CA 94403 Telephone: (650) 365-7715 Facsimile: (650) 364-5297							
	5								
	6	Attorneys for Defendants							
	7								
	8								
	9	UNITED STATES DISTRICT COURT							
	10	FOR THE NORTHERN DISTRICT OF CALIFORNIA							
	11	SAN FRANCISCO							
TELEPHONE (650) 365-7715	12								
NE (65	13	Maria de la company de la comp	G N 17 07257 DG (TGID)						
EPHO	14	MICHAEL ZELENY, an individual	Case No. 17-cv-07357-RS (TSH)						
TE	15	Plaintiff,	DECLARATION OF DAVE BERTINI IN SUPPORT OF DEFENDANTS CITY OF						
	16	VS.	MENLO PARK'S AND DAVE BERTINI'S MOTION FOR SUMMARY JUDGMENT						
	17	EDMUND G. BROWN, JR., an individual, in his official capacity, et al.	OR, IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT						
	18								
	19	Defendants.	Date: February 25, 2021 Time: 1:30 p.m.						
	20		Dept.: Courtroom 3 Judge: Hon. Richard Seeborg						
	21	-	Trial Date: None						
	22		That Date. None						
	23	I, DAVE BERTINI, declare:							
	24	1. I am a competent adult with personal knowledge of the matters set forth in this							
	25	declaration and, if called as a witness, could and would competently testify thereto.							
	26	DECLARATION OF DAVE BERTINI IN SUPPORT OF BERTINI'S MOTION FOR SUMMARY JUDGMENT O	DEFENDANTS CITY OF MENLO PARK'S AND DAVE R, IN THE ALTERNATIVE, PARTIAL SUMMARY						

- 2. I am a named defendant in this litigation and at all times relevant to the events in question served as Commander or, more recently, Police Chief for the City of Menlo Park ("City").
- 3. I retired from my position as Police Chief for the City effective July 30, 2020 and am thus no longer employed by the City. I have no lawful authority to conduct any business or make any official decisions on behalf of the City or its Police Department. My retirement was not related in any way to this lawsuit.
- 4. Having worked for and in the City for nearly nine years, I am very familiar with Sand Hill Road, which is a major arterial roadway that is located between Interstate 280 and State Highway 82 (El Camino Real). The stretch of Sand Hill Road adjacent to the center median on which plaintiff sought to conduct a protest has a speed limit of 40 miles per hour.
- 5. I am very familiar with the median upon which Mr. Zeleny sought to conduct certain activities, as described in his Special Event Applications. That median is located to the east of I-280 and close to the northbound I-280 off-ramp that connects to Sand Hill Road. There are two eastbound lanes and two westbound lanes on either side of the median at that location.
- 6. Attached hereto as Exhibits "A" and "B" are true and correct copies of *Google Earth* aerial photographs generally depicting the location of the subject Sand Hill Road center median (which is circled for the court's convenience). Also identified in one these photographs are I-280..
- 7. In my nearly nine years working in Menlo Park I never seen or heard of anyone conducting any type of public event or protest on the median in question. Because of its location adjacent to Sand Hill Road and the offramp for Interstate 280, if there had been any such activity or proposed activity on that median I am sure that as Commander and later Chief of the Menlo Park Police Department I would have been so informed.
- 8. During my first two years with the City, I was aware of Mr. Zeleny protesting on the public sidewalk located on the south side of the intersection of Sand Hill Road and the entrance to

DECLARATION OF DAVE BERTINI IN SUPPORT OF DEFENDANTS CITY OF MENLO PARK'S AND DAVE BERTINI'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT; Case No. 17-cv-07357-RS(TSH) 2

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the business complex that houses the Rosewood Sand Hill Resort/Hotel and several other private businesses, including New Enterprises Associates, Inc.

- In my deposition (from Page 63, Line 23 to Page 66, Line 2) I was asked about 9. documents that describe the City of Menlo Park's special events policy. I identified the Special Events Application, the City's FAQs (frequently asked questions), a flow chart and information and documents posted on the City's website. True and correct copies of those documents are attached hereto as follows:
 - > City Website-Special events permit webpage (Exhibit "C");
 - > Special Event Application (Exhibit "D");
 - > FAQs (Exhibit "E");
 - > Flow Chart (Exhibit "F"); and
 - > Documents posted or linked to the City's website (a collective Exhibit "G").
- 9. I was present at the de novo hearing conducted by the City Manager regarding the appeal of the denial of plaintiff's special event permit application. The audio recording of that hearing can be accessed through this link; https://spaces.hightail.com/space/k7r5s5Uj6Z
- I was also present at the subsequent City Council hearing. The video recording of 10. that hearing can be accessed through this link: https://spaces.hightail.com/space/dSShowqqgY
- 11. Finally, with regard to Mr. Zeleny's claim that I participated in the City's decision making process regarding his permit applications, my involvement related to providing input as Police Department Commander to the decisionmakers. I did not myself make any decision as to whether or not to approve or deny either of plaintiff's permit applications. As explained in my deposition, the process within the City was for departments whose input was believed to be needed to provide input with regard to permit applications. As I testified, the input that I provided related to the applicability of Vehicle Code, Municipal Code and Penal Code sections, along with input

DECLARATION OF DAVE BERTINI IN SUPPORT OF DEFENDANTS CITY OF MENLO PARK'S AND DAVE BERTINI'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT; Case No. 17-cv-07357-RS(TSH) 3

regarding public safety issues - specifically, traffic and crowd control, noise ordinance issues and safety to the general public.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct and that this declaration was executed on this 19th day of January 2021, at Pacifica, California.

Dave Bertini

Exhibit A



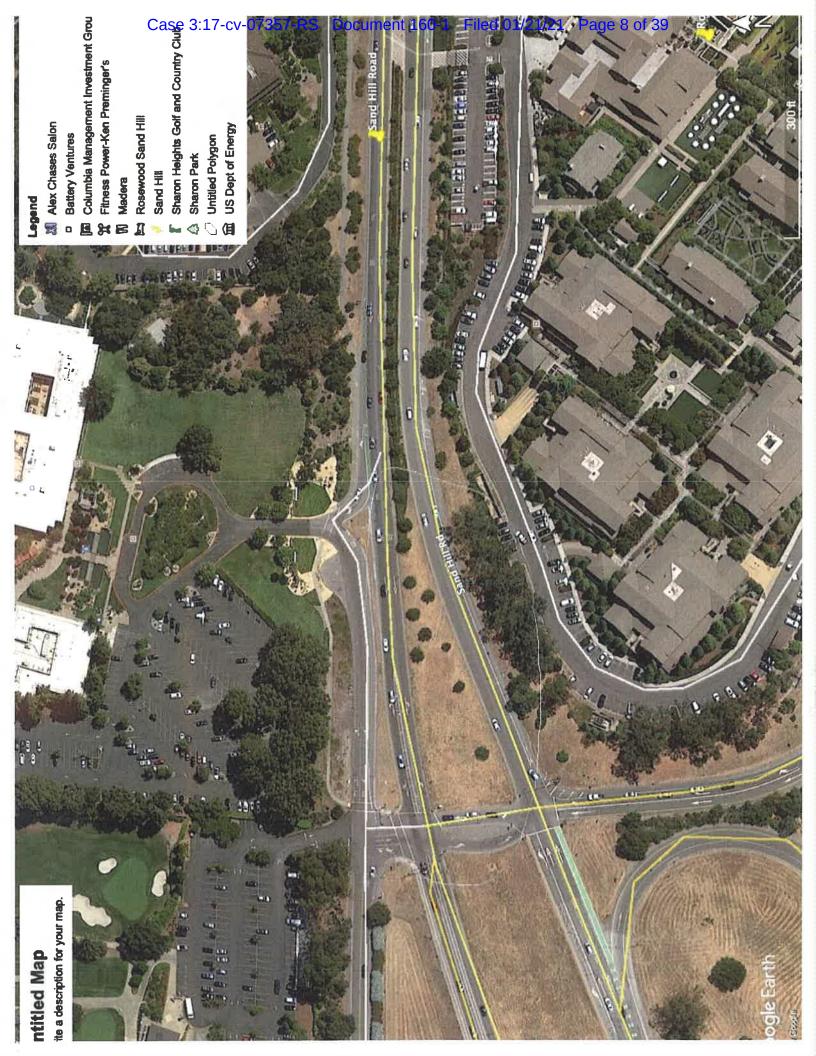


Exhibit C

Special event permit updates

Primary response routes

Notice to special evem permit applicants



Thank you for your interest in holding a special event in Menlo Park. Special events play an important role in building community and creating vibrancy within Menlo Park. Our goal is to help event organizers plan a safe and successful event creating minimal impacts to the surrounding neighborhoods. Depending on the nature of your event additional permits or approvals may be needed so please allow adequate time for processing. Please pay close attention to the following application deadlines:

- 30-days for block parties not required to have a noise permit
- 60-days for block parties required to have a noise permit
- 60-days for all minor events that are not considered block parties
- 90-days for all major events

Special event qualifications

If your event meets one or more of these criteria, you will need to complete a Special Event Application

- Any city street or lane closures
- Any event impacting traffic or intersections
- Any noise exceeding Municipal Code 8 06 030 (noise ordinance): Sound measured from subject site to any residential property:
- 10 p.m to 7 a m 50 dBA
- 7 a.m. to 10 p.m. 60 dBA
- Attendance is expected to exceed 150 people and you will be using outdoor public space
- Community events (i.e. block parties not for private or exclusive residential use)
- Events needing Police regulation monitoring or control
- Events occurring for more than one day
- Generate a crowd of spectators sufficient in size to obstruct delay or interfere with the normal flow of pedestrian vehicular traffic or city facilities
- Parking needs that will exceed the capacity of the venue
- Use of any city street sidewalk or other right of way

Permit application submittal

Submit your completed application before your established deadline (indicated above) with your application fee. Check should be made payable to City of Menlo Park for \$125 for minor events and \$250 for major events (non-refundable). Applications can be delivered or mailed to

Menio Park. CA 94025 650-330-6610 office 650-679-7022 text City facilities and services status

Facebook | Twitter | Instagram

Contact us

Mailed
City of Menlo Park
ATTN: Special Events - Mayra Lombera
701 Laurel St
Menlo Park CA 94025

Drop Off Arrillaga Family Gymnasium ATTN: Special Events - Mayra Lombera 600 Alma St Menlo Park, CA 94025

incomplete applications will not be processed and you will be asked to submit the additional information in order to start the application process

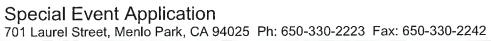
Film permits Please contact Public Works at 650-330-6780

Using this site Home Accessibility Copyright notices Intranet Photo credits Using this site Privacy notice Social media Site map Intranet Staff directory

Exhibit D

Case 3:17-cv-07357-RS Document 160-1 Filed 01/21/21 Page 14 of 39

CITY OF MENLO PARK





Applicant Name:								
Organization Name:								
Name of Event:								
Address:				City:		State:		Zip:
Home Phone:				Alternate Ph	none:			
E-mail Address;				Fax:	=			
Estimated Attendance:				Event open	the public: \	∕es □	No □	
Number of Event Staff:				Number of E	Event Volunte	eers:		
Purpose of Event:								
Location of Event (please	be specific a	nd attach n	nap):			,,		
Event Timeline	Day	Date		Start Time	End Tir	ne	To	tal Hours
Set up/Preparation								
Special Event								
Tear down/Clean up								
Do you plan to use a City Yes □ No □			-	you plan to use Private Property: If yes, do you have written approval from Private Property own			pproval from	
City Facility Reservation F Yes □ No □ Pending		ded:	If ye	es, provide address of location: Yes No				
Any City streets closed? Yes ☐ No ☐ Any sidewalks blocked? Yes ☐ No ☐ Traffic Control P								
Name of streets:					Included			
	1				No 🗆 N/A 🗆			
Renting barricades from City: Yes No Park sprinklers turned off: Yes No							No 🗆	
Amplified sound (i.e. Musi					ıse:			
Temporary lighting: Yes	□ No □	Please		20				
Charge for event: Yes □	Event is reoccurring more than annually?: Yes □ No □							
Is this event a fundraiser:		Proof of 501c3: Yes □ No □						
Will alcohol be served: Yo	ABC Permit Attached: Yes ☐ No ☐ Pending ☐							
Will you be selling alcohol: Yes □ No □								
Will food be served: Yes	I will apply for San Mateo County Temporary Event Food							
Will you be selling food: Yes ☐ No ☐ Permit: Yes ☐ No ☐ Pending ☐								
Selling any other items: Yes □ No □				Menlo Park Business License:				
Describe:	Yes 🗆 No 🗆							
Will portable rest rooms be provided:				No. of portable toilets No. of ADA compliant portable toilets				
Yes No		45			· · · · · · · · · · · · · · · · · · ·	ie toilet	S	
Will you be using a tent, c temporary structure? Yes	Please describe	C						

If additional space is needed please attached any supplementary documents.

Event	Descri	ption
-------	--------	-------

Briefly provide a description of the event, including activities, timeline, and sequence of events:

Parking

Describe where event participants are expected to park their vehicles:

Security / Emergency Action Plan / Risk Management Plan

Describe the security plan, including crowd control (including the security company name, contact information, and the amount of security personnel):

Americans with Disabilities (ADA) compliance

Describe how the event will be accessible to people with disabilities (such as parking, restrooms, and accessible path of travel to all event functions):

Recyclables and garbage handling

Describe the plan for cleanup and removal of recyclable goods and garbage during and after the event (include if additional street sweeping will be arranged).

Please note: For larger events where additional garbage removal will be needed, please contact Recology at www.recologysanmateocounty.com or call (650) 595-3900. Failure to remove trash from event will result in a \$250 fine.

SECTION 3: SITE MAP CHECKLIST

Please provide a <u>detailed</u> site plan/route map of the event on a separate sheet. If site map is larger than 11x17 size paper, please provide SIX (6) copies of this map in application packet. The map should include the following information:

Yes	N/A	Outline of event site, including names of streets or areas that are a part of the venue and
	_	surrounding area. If the event includes a moving route (i.e. parade or run), indicate the
		direction of travel and start/finish locations.
		Any street or lane closures
		•
		The locations of fencing, barriers or barricades.
		Location of first-aid facilities
		Location of all stages, platforms, booths, food areas, trash containers, tents, etc (include
		dimensions)
		Generator locations and/or source of electricity
		Placement of vehicles or trailers used for the event (include dimensions)
		Anticipated parking locations and number of parking (include ADA parking)
		Placement of promotional signs or banners
		Placement of portable restrooms (including labeling ADA restrooms)
		Exit locations for events with fences
		Location of all event activities
		Location of temporary lighting
		Location of sound system
		Fire truck access to existing building/structures shall remain clear and unobstructed (20 feet
		minimum)
		Fire equipment shall remain clear and unobstructed (25 feet minimum)
		For large event, traffic impact and traffic handling plan including re-routing of vehicles, bicycles,
		and pedestrians.

Note: Incomplete and vague site maps will delay the permit process.

SECTION 4: INSURANCE INFORMATION

A Certificate of Liability Insurance must be provided and must contain the following:

- The special event permit name must be listed as the one "insured."
- The policy must not expire before the planned event date.
- The policy must be for a minimum of \$1,000,000 unless otherwise specified.
- The "description" should list the rental location, day, and event planned.
- The City of Menlo Park at 701 Laurel Street, Menlo Park, CA 94025 must be noted as "additional insured."

A special event permit <u>will not</u> be issued until the required application fees, insurance, and other supplementary materials, as indicated in the Special Event Application, have been received. A special event permit issued for a private function on private property is not required to submit proof of liability insurance to the City.

SECTION 5: PUBLIC NOTIFICATION

Public Notification will be required for some permits based on your application. If noise ordinance is exceeded, the Planning Division will prepare a public notice to be mailed to all property owners, residents, and businesses within 300 feet of the subject property. The notice will state the decision of the City and will serve as the noise permit unless the request is appealed. The Planning Division will mail the notices on the decision date, which starts the 10-day appeal period. If the Planning Division does not receive an appeal in writing, the decision will be become effective on the 11th day. If the decision is appealed, the item will be scheduled for the next available Planning Commission meeting. The Planning Commission generally meets on the first and third Mondays of every month. The minimum lead-time between an appeal and a Planning Commission meeting is approximately 3-weeks. The decision will also be posted at the Civic Center and on the City's web page: www.menlopark.org.

SECTION 6: FIRE DISTRICT NOTIFICATION

If necessary, you will be asked to seek approval of the Menlo Park Fire Protection District. They will be informed of any street closures and other impacts to emergency services. Please keep in mind that there are several streets within Menlo Park that cannot be closed because they are deemed primary response routes. You must receive Conditional of Approval from the City prior to contacting the Fire District.

SECTION 7: POLICE STAFFING

For events requiring Police assistance, the Police Department will review the application and be involved in the initial meeting with the applicant. Based on the details for the event, the Police Department will provide an estimate of costs based on the number of officers needed and hours needed at the event (payment of 50% of estimated Police services is due before your permit can be issued). Post event, an invoice will be provided to the applicant for Police services (based on incurred costs, minus any pre-paid amount). Any additional costs incurred that were not anticipated such as extra staffing or longer hours will be billed to the applicant. All payments are due to the Menlo Park Police Department by contacting Sgt. Scott Mackdanz at (650) 330-6389. Non-payment for Police assistance after the event will result in the inability to apply for a special event permit in the future, until any balance is paid in full.

SECTION 8: PARK USAGE

Rental fees for special events held on city parkland, picnic areas, or tennis courts may be applied and are subject to availability. Please review the city's Master Fee Schedule for current park usage fees. Additionally, the organizing party of an event held in these areas is responsible for following all park rules, usage guidelines, and city ordinances. Sharon Park is reserved for weddings only.

SECTION 9: SOUND

Approval of a Special Event permit does not necessarily exempt the planned event from the requirements of Chapter 8.06 (Noise) of the Menlo Park Municipal Code. All sources of sound measured from any residential property shall not exceed 50 dBA during the "Nighttime" hours, or 60 dBA during the "Daytime" hours. Nighttime hours are considered the period between 10 p.m. and 7 a.m. daily. If you believe your planned event could exceed the noise limitations set by Chapter 8.06 of the Municipal Code, please discuss the noise permitting requirements with a member of the Planning Division. A noise permit can be obtained as part of the Special Events permit application, subject to review and action by the Planning Division and the public notification and appeal process set forth in Section 5. The Planning Division can be reached at (650) 330-6702 or by email at planning@menlopark.org.

SECTION 10: CONFIRMATION

Please check all that apply:	
☐ I have read all policies regarding the Special Event Application process.	
☐ I have reviewed the Special Event Permit FAQs.	
☐ I have read and will abide by all Sections as written and described herein.	
☐ I am submitting the most current version of the Special Event Permit Application found at: www.menlopark.org/eventpermits	
☐ I am providing the correct payment with my application.	
☐ I have filled out all portions of this application completely and to the best of my knowledge.	

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I hereby certify and agree that I shall be personally responsible on behalf of myself/organization for any damage sustained by the facility, property, or equipment, as a result of the occupancy of said facility or property by my group/organization. I hereby waive, release, discharge and agree to indemnify, defend and hold harmless the City, its officers, employees, and agents from and against any and all claims by any person or entity, demands, causes of action or judgments for personal injury, death, damage or loss of property, or any other damage and/or liability occasioned by, arising out of out of the event for the actions (active or passive) of invitees', event participants, event sponsors, and event spectators while on the property, or resulting from this reservation of the facilities or use or property. I hereby declare that I have read and understand and agree to abide by and to enforce the rules, regulations, and policies affecting the use of the facilities or property. If any portion of the Special Event is held on non-city owned property I have included letters of approval for each respective property owner.

Signature of A Payment Inforr Cash		□ Visa	☐ Mastercard	Amount	(\$125	minor / \$250 major)
					Holder Name	
I agree to pay the	above charges and a	uthorize the C	ity of Menlo Park to char	ge these costs to my	credit card. Checks paya	ble to: City of Menlo Par
Authorized Sign	ature:					
	\$30 charge for return ne Master Fee Sched			her city department	s may be required before	e permit maybe issued
Office Use On						
Date Permit S	ubmitted:			Project No		
Permit Payme	nt: \$	D	ate	Processed By	y	
Approval:	<u>Department</u>	Received	<u>Fee</u>	<u>Paid</u>	Signature	<u>Date</u>
	Police		(50% E	st.) 🗆		
	Planning		uii Andrea de Carre	_ 0		
	Public Works Engineering					
	Public Works Maintenance					
DEOLUDED.	CSD/Recreation					
REQUIRED: Yes □ No □	Fire District					
vent Permit (Coordinator:					
□ E-m □ App	lication Initial Rev ail Acknowledgen lication Sent to Pe Map Complete	ent Sent to	o Applicant	(Date:)	
☐ Insu ☐ Othe ☐ Pub ☐ App	rance Certificate lear Agencies Perm lic Notification Corroved to exceed n	its Included mplete oise ordina	ance: □Yes □No			
☐ Traf ☐ Con	ditions-of-Approva	pproved (S al or Denial	treet closures only)	(Date:)	
☐ Barr	er Department Feo icade Rental Infor I Copies Sent to <i>I</i>	mation (Re		_ 3' barricades a	and 12' ba	arricades)
Special Event	Permit Applicati	on Approv	val:			

Exhibit E

CITY OF MENLO PARK

Special Event Permit Application FAQs 701 Laurel Street, Menlo Park, CA 94025 Ph: 650-330-2223 Fax: 650-330-2242



SPECIAL EVENTS IN MENLO PARK

Thank you for your interest in holding a special event in Menlo Park. Special events play an important role in building community and creating vibrancy within Menlo Park. Our goal is to help event organizers plan a safe and successful event creating minimal impacts to the surrounding neighborhoods. Depending on the nature of your event, additional permits or approvals may be needed so please allow adequate time for processing. Please read all of the materials thoroughly and carefully to ensure the Special Event Permit can be processed in a timely manner.

WHAT QUALIFIES AS A SPECIAL EVENT?

If your event meets <u>one</u> or more of these criteria, you will need to complete a Special Event Application (attached):

- Attendance is expected to exceed 150 people and you will be using outdoor public space
- Use of any City street, sidewalk, or other right-of-way
- Any City street or lane closures
- Any event impacting traffic or intersections
- Any noise exceeding the City's noise ordinance (Municipal Code 8.06.030: Sound measured from subject site to any residential property: 10 p.m. to 7 a.m. - 50 dBA and 7a.m. to 10p.m. - 60 dBA)
- Parking needs that will exceed the capacity of the venue
- Generate a crowd of spectators sufficient in size to obstruct, delay or interfere with the normal flow of pedestrian, vehicular traffic, or city facilities
- Community Events (i.e. Block Parties not for private or exclusive residential use)
- Events occurring for more than 1 day
- Events needing Police regulation, monitoring or control

WHAT IS A SPECIAL EVENT APPLICATION?

A Special Event Application is a detailed questionnaire to gather all critical information about your event. Instead of completing multiple permit applications, the single application is reviewed internally by each City department to determine which permits or approvals are required. All Special Events Applications are due to the City by the established deadlines (listed below). The acceptance of the application should, in no way, be interpreted as approval of your request. For larger events, we strongly encourage you to submit the application roughly 6-months in advance.

WHAT IS THE PROCESS FOR OBTAINING A SPECIAL EVENT PERMIT?

 Submit your completed application with a check made payable to City of Menlo Park for \$125 for minor events/\$250 for major events (non-refundable). Applications can be emailed to <u>mlmilde@menlopark.org</u> or delivered to:

Mailed:

City of Menlo Park
ATTN: Special Events – Matt Milde
701 Laurel Street
Menlo Park, CA 94025

Drop Off:

Arrillaga Family Gymnasium ATTN: Special Events – Matt Milde 600 Alma Street Menlo Park, CA 94025

For any questions regarding the application, fees, or application process please contact Matt Milde at 650-330-2223. Incomplete applications will not be processed and you will be asked to submit the additional information in order to start the application process

Chief Dave Bertini 3/19/2019 Heather J. Bautista CSR 11600, RPR, CRR

MP001817

- 2. You will be sent an email acknowledgement that your application has been received. Your application will then be reviewed by City staff, which may take up to three weeks. During this time, you may be contacted by City staff for clarification of your event details or to schedule a meeting to review the application.
- 3. After a full review of your application, you will receive either a denial letter or a conditions-of-approval letter. The conditions-of-approval will outline requirements for your event, such as necessary permits, approvals and/or additional application fees. This may include, but not limited to, the following:
 - Certificate of Liability Insurance
 - Country of San Mateo Temporary Event Food Permit
 - · Facility Reservation Confirmation
 - Fire Department Approval or Permits
 - Proof of Menlo Park Business License
 - Proof of 501c3 Non-profit status
 - Public Notification Requirements
- 4. Public Notification will be required for some permits based on your application. If, in the Planning Division's opinion, the proposed event could exceed the noise ordinance limits, the Planning Division will prepare a public notice to be mailed to all addresses within 300 feet of the subject property. The notice will state the decision of the City and will serve as the noise permit unless the request is appealed. The Planning Division will mail the notices on the decision date, which starts the 10-day appeal period. If the Planning Division does not receive an appeal in writing, the decision will be become effective on the 11th day. If the decision is appealed, the item will be scheduled for the next available Planning Commission meeting. The Planning Commission generally meets on the first and third Mondays of every month. The minimum lead-time between an appeal and a Planning Commission meeting is approximately three weeks. The Planning Commission's decision will also be posted at the Civic Center and on the City's web page: http://www.menlopark.org/371/Planning-Commission. The Planning Commission's decision on the noise permit also contains a 15 day appeal period before it becomes active, and the decision can be appealed to the City Council. If the project is appealed to the City Council, the processing time generally would take more than 60 days, due to scheduling and additional public noticing requirements. For projects that require public notification, it is recommended that the application be submitted more than 60 days in advance of the planned event date.
- 5. Once all of the conditions-of-approval have been met, a Special Event Permit will be issued by the City. You will be required to have this permit in your possession during your event.

WHEN ARE THE APPLICATION DEADLINES?

Please pay close attention to the following application deadlines:

- 30-days for Block Parties not required to have a noise permit
- 60-days for Block Parties required to have a noise permit
- 60-days for all Minor Events that are not considered Block Parties
- 90-days for all Major Events

Applications are accepted up to 12-months in advance of the proposed event date. Applicants are encouraged to apply early to ensure permit is received in a timely fashion. Once an application is submitted you many not receive confirmation that your event has been approved until 30 to 60-days after submission. Please allow yourself ample time for permit processing. Applications that do not meet their required deadline <u>will not</u> be processed.

CAN MY EVENT BE A FUNDRAISER?

If the event is a fundraiser, you will be required to fill out the Fundraising Form and provide a copy of the organization 501c3 status. Please inquire about the Fundraising Form with Matt Milde when submitting Special Event application.

WHAT ARE THE SPECIAL EVENT PERMIT FEES?

Special Event Application Fee: \$125 (minor); \$250 (major)

Noise Permit Fee: \$135

Police Services Fees: Fee based on staff hourly billing rate. 50% of the estimated Police services must be paid prior to a permit being issued.

Barricade Rental Fees: 3' barricade - \$3/day & 12' barricade - \$8/day (Permit required for pick-up)

Park Rental Fees: Varies (see below) - Park fees are also listed in the City of Menlo Park's

Master Fee Schedule.

WHAT IS THE DIFFERENCE BETWEEN A "MINOR" AND "MAJOR" EVENT?

The difference between a minor and major event depends on the nature of the event and its impact on city services. For example, most block parties closing a single road would fall under a "minor" event, while most fun runs requiring the closure of many roads would be considered a "major" event. Please contact the permit coordinator, Matt Milde, at (650) 330-2223 if you have questions on how your event would be categorized.

CAN I POST SIGNAGE?

All signs posted before and during the event shall be approved by staff prior to issuance of the permit. If the event requires, "No Parking" signage, 72-hour notification is required. Road signage can be rented from the Menlo Park Corporation Yard with an approved permit.

WHO CAN I CONTACT REGARDING WASTE REMOVAL?

For larger events where additional garbage removal will be needed, please contact Recology at www.recologysanmateocounty.com or call (650) 595-3900. Failure to remove trash from event will result in a \$250 fine and may result in the inability to obtain a Special Event Permit in the future.

HOW DO I GET A FOOD PERMIT?

If serving food outside, San Mateo County Temporary Event Food permits are issued by County of San Mateo Environmental Health Services (2000 Alameda de las Pulgas #100, San Mateo, CA 94403 or (650) 372-6200). Documents are available online - smchealth.org. Costs vary depending on the nature of the event, but applications need to be submitting within 2-3 weeks prior to the event. A food permit is not required to receive your approved permit from the City of Menlo Park, but you are responsible for obtaining the necessary San Mateo County permits when serving food publically.

WHAT IS THE BELLE HAVEN MINI-GRANTS PROGRAM?

The City of Menlo Park Community Services Department has partnered with the Silicon Valley Community Foundation and the Belle Haven Community Development Fund to initiate the Belle Haven Mini-Grants Program. If you live in the Belle Haven neighborhood and are planning a community event, you might be eligible for a grant to help subsidize your special event application fees. For more details, contact Juanita Croft at (650) 450-5484 or BHaven@siliconvalleycf.org.

HOW CAN I GET A BUSINESS LICENSE?

Business License shall be obtained for all outdoor sales. Business License applications can be found online at www.menlopark.org under the Finance Department. Completed forms can be dropped off at the front desk in City Hall (701 Laurel Street).

CAN I SERVE ALCOHOL?

If serving or selling alcohol, ABC licenses can be obtained by California Department of Alcohol Beverage Control. More information can be found at www.abc.ca.gov or by calling (415) 356-6500.

CAN I OBTAIN A PERMIT FOR PRIVATE USE?

Yes, a permit may be issued for private events on City facilities where a rental reservation can be issued (ie. Burgess Park, Nealon Park, Bedwell-Bayfront Park, etc.) provided the event is aligned with the current use policies of that park/facility. Permits requiring road closures will **NOT** be approved for private functions / reserved use (ie. Birthday Parties, Weddings, Reunions, etc.). Any applicant who wants to close off a public right-of-way for private use will be directed to other City facilities (ie. Arrillaga Family Recreation Center, Onetta Harris Community Center, picnic/park facilities, etc).

DO I NEED TO MAKE A RESERVATION FOR PARK SPACE BEFORE I APPLY?

For renting sports fields, picnic areas, or park space, you are welcome to contact the Community Services Department at 650-330-2223 for rates and availability or inquire within at the Front Desk of the Arrillaga Family Gymnasium (600 Alma Street). Facility availability can also be viewed at www.menlopark.org. However, you are not required to make a reservation prior to the submission of your permit application. Please review the additional rental and use policies of the facilities you intend to utilize for your event.

IS INSURANCE REQUIRED FOR MY EVENT?

Yes. To apply for City of Menlo Park special event permit, one must provide a *Certificate of Liability Insurance* along with their Special Event Application and payment. A Certificate of Liability Insurance can be issued by the renter's homeowner's insurance or other insurance carrier. In order for the certificate to be valid, it must contain the following:

- The renter's name must be listed as the one "insured."
- The policy must not expire before the planned event date.
- The policy must be for \$1,000,000.
- The "description" should list the rental location, day, and event planned.
- The City of Menlo Park at 701 Laurel Street, Menlo Park, CA 94025 must be noted as "additional insured."

A special event permit <u>will not</u> be issued until the required application fees, insurance, and other supplementary materials, as indicated in the Special Event Application, have been received. A special event permit issued for a private function on private property is not required to submit proof of liability insurance to the City.

WHAT WOULD CAUSE A PERMIT TO GET DENIED?

Approval or denial of applications are based upon several factors including: size (number of people), scale, location, route to be closed, community impact, impact on City services, past practices/experiences with issued permits, intended use, non-payment of fees, poor articulation of event as reflected in the application and site map, etc.

WHAT IF MY PERMIT IS DENIED?

Any applicant is welcome to re-apply provided they meet the 60-day deadline and pay appropriate fees; however, depending on the application details we cannot always issue a permit. Determination of the approval or denial of any application is at the discretion of the Special Event Permit Committee. Final decisions are appealable to the Community Services Director, please contact Matt Milde at mlmilde@menlopark.org to seek an appeal for a denied permit.

MP001820

WHERE CAN I FIND INFORMATION ON INSURANCE CARRIERS?

Below you will find a number of resources if you need to purchase special event insurance for your event. Please note: These resources are not provided as a recommendation or sole insurers for special events, but is provided here as a tool to aid you in your research in obtaining a Certificate of Liability for your event.

Company Name	Website	Phone	
AAA Homeowners	www.aaa.com	800-922-8228	
Allied Brokers	www.alliedbrokers.com	650-328-1000	
Event Helper	www.eventhelper.com	n/a	
Hub International	www.eventinsure.hubinternational.com	650-964-8000	
K&K Insurance	www.kandkinsurance.com	877-648-6404	
Markel American Insurance Co.	www.markeleventinsurance.com	800-236-4252	
Private Event Insurance	www.privateeventinsurance.com	877-723-3933	
RVNA Event Insurance	www.specialeventinsurance.com	800-364-2433	
Specialty Risk Insurance LLC	http://www.specialtyriskinc.com	928-772-0844	

WHERE DO I PICK-UP BARRICADES?

You may pick-up barricades/street signage by going to the **City of Menlo Park Corp Yard** at 333 Burgess Drive on Mon-Fri 8am-4pm; please ask for Irv Meachum. The Menlo Park Corp Yard is closed every other Friday, please contact the number above if you wish to pick-up barricades on a Friday to verify if the Corp Yard will be open. Rental fees apply as articulated in the Special Event Permit Information packet. Please contact (650) 330-6780 with any questions regarding the pick-up/drop-off of your rented barricades and/or street signage. Your approved Special Event Permit and payment is required for pick-up of any barricade/street sign. Depending on events/projects throughout the year we may not be able to accommodate the precise signage you've requested on your Special Event Permit. Every attempt will be made to provide you adequate signage for your event purposes. Please note: Only approved barricades can be used to block city streets; hay bales, sawhorses, jump houses, motor vehicles, etc. are not permitted. If the event requires, "No Parking" notification, 72-hour notification is required. Below are additional resources for renting traffic signage:

D&M Traffic Services Inc. 408-436-1127

Interstate Traffic Control 408-279-1588

WHAT IF I STILL HAVE QUESTIONS?

Please contact the permit coordinator, Matt Milde, at (650) 330-2223 or mlmilde@menlopark.org with any questions. If requested, appointments to discuss your application in-person a may be made in advance. Please note that we may not be able to discuss your permit if you walk-in without an appointment; scheduling an appointment in advance is strongly advised.

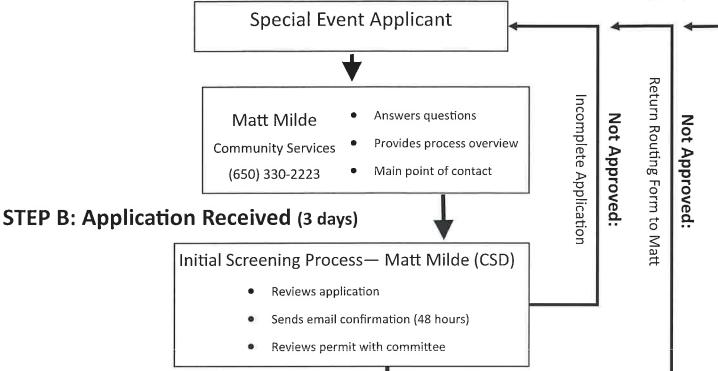
Updated: 07/13/16

Exhibit F

Special Event Permit Flowchart



STEP A: Initial Contact



STEP C: Staff Internal Review (10 Days)

Completion of Special Event Application Routing Review Form

Sgt. Scott Mackdanz (Police) Dave Mooney (PW - Maint)

Toews

Ivan

Paz (Planning)

Ori

Matt Milde (CSD)

Jon Johnston (Fire)

STEP D: Meeting with Applicant (10 days)

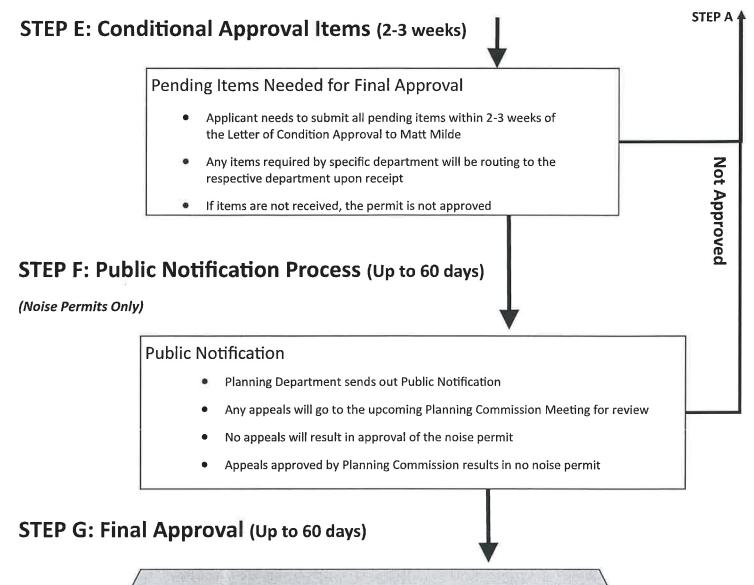
More Information Needed

Detailed Review of Application

- Matt Milde confirms meeting time with applicant
- Team meets with applicant to review details
- Conditions of Approval or Denial is determined by team
- Matt Milde sends Letter of Denial or Conditional Approval (within 4 weeks of receiving application)

Not Approved





Special Event Permit Issued

Matt Milde sends final special event permit and receipt to applicant

Updated: 06/19/2018

Community Services



February 24, 2016

RE: Notice to Special Event Permit Applicants

Dear Applicant,

Thank you for your interest in holding a special event in Menlo Park. Special events play an important role in building community and creating vibrancy within the City. Our goal is to help event organizers plan a safe and successful event with minimal impacts to our surrounding neighborhoods and businesses.

Please read all of the following materials found at <u>menlopark.org/eventpermits</u> thoroughly and carefully to ensure the Special Event Permit can be processed in a timely manner:

- 1. Special Event Permits Information
- 2. Special Event Permits Application
- 3. Special Event Permits Flowchart
- 4. Special Event Permits FAQs
- 5. Special Event Permits Insurance Requirements
- 6. Primary Response Routes (for events blocking city streets)

Effective April 1, 2016, all applications for "major events" held in the City of Menlo Park will need to be submitted no less than 90-days prior to the anticipated event. It is highly recommended that all "major event" applications are submitted between 4 to 6-months before the scheduled event date(s). Depending on the nature of your event, additional permits, approvals, or meetings may be needed so the 90-day deadline will better allow for adequate processing time.

If you have any questions regarding the submission of your application or our newly established deadlines, please feel free to contact me at mlmilde@menlopark.org or 650-330-2223.

Sincerely,

Matthew L. Milde Recreation Coordinator

CITY OF MENLO PARK

Special Event Insurance Requirements

701 Laurel Street, Menlo Park, CA 94025 (p) 650.330.2223 (f) 650.330.2242



INFORMATION:

To apply for City of Menlo Park special event permit, one must provide a *Certificate of Liability Insurance* along with their Special Event Application and payment.

A Certificate of Liability Insurance can be issued by the renter's homeowner's insurance or other insurance carrier. In order for the certificate to be valid, it must contain the following:

- The renter's name must be listed as the one "insured."
- The policy must not expire before the planned event date.
- The policy must be for \$1,000,000.
- The "description" should list the rental location, day, and event planned.
- The City of Menlo Park at 701 Laurel Street, Menlo Park, CA 94025 must be noted as "additional insured."

A special event permit <u>will not</u> be issued until the required application fees, insurance, and other supplementary materials, as indicated in the Special Event Application, have been received. Below you will find a number of resources if you need to purchase special event insurance for your event. Please note: These resources are not provided as a recommendation or sole insurers for special events, but is provided here as a tool to aid you in your research in obtaining a Certificate of Liability for your event.

SAMPLE CERTIFICATE:

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S	pecial Event Insurance Resources:
	Specialty Risk Insurance LLC
	928-772-0844
	www.specialtyriskinc.com
	K&K Insurance
	877-648-6404
	www.kandkinsurance.com
	RVNA Event Insurance
	800-364-2433
	www.specialeventinsurance.com
	Allied Brokers
	650-328-1000
	www.alliedbrokers.com
	AAA Homeowners
	800- 9 22-8228
	www.aaa.com
	Hub International
	650-964-8000
WV	vw.eventinsure.hubinternational.con
	Private Event Insurance
	877-723-3933
	www.privateeventinsurance.com
	Markel American Insurance Co.
	800-235-4252
	www.markeleventinsurance.com
	Event Helper
	www.eventhelper.com

MENLO PARK FIRE PROTECTION DISTRICT

STAFF REPORT

To: Board of Directors

Meeting Date: 8/16/2011

From:

Harold Schapelhouman, Fire Chief

Item:

CONSIDER FOR ADOPTION A RESOLUTION ADOPTING THE PRIMARY EMERGENCY RESPONSE ROUTES FOR THE MENLO PARK FIRE PROTECTION

DISTRICT

* * * * * * * * *

Staff Recommendation

1. That the Board accepts the report as presented.

2. That the Board approves a Resolution adopting the Emergency Response Routes for the Fire District

Background

The District Board has never formally adopted Emergency Response Routes for the Fire District. The formal process of adoption enables the District to better address community traffic mitigation and emergency response issues from the broader perspective of total community impact.

The identification of Primary Emergency Response routes is critical to better managing rapid deployment and maintaining acceptable response times for the community. Those response times are critical to threat mitigation, hazard abatement and outcome management for incidents such as emergency medical calls, vehicle accidents, hazardous materials incidents and fire response just to name a few.

Outcomes in many cases can be improved by rapid and appropriate deployment of emergency resources. The designation of Primary Response Routes ensures that a balance must be maintained associated with issues such as traffic mitigation and control devices and public safety.

Discussion

Under Chapter 5 of the Fire Code the District is now able to designate and adopt "primary response routes". Once that designation is given to a route or street, traffic mitigation devices not acceptable to the Fire District will no longer are allowed to be installed unless approved by the Fire Chief.

Attachments

- A. Resolution adopting the Emergency Response Routes for the Fire District.

 Exhibit 1 A street by street listing of affected streets in the Fire District
- B. An overhead map of those streets showing the deployment response grid and network

ATTACHMENT A

Resolution No.

RESOLUTION OF THE MENLO PARK FIRE PROTECTION DISTRICT BOARD ADOPTING THE PRIMARY EMERGENCY RESPONSE ROUTES FOR THE MENLO PARK FIRE PROTECTION DISTRICT

WHEREAS, the Board of Directors received a report from the Fire Chief requesting the adoption of the Emergency Response Routes for the Fire District; and

WHEREAS, under Chapter 5 of the Fire Code the District is now able to designate and adopt primary response routes; and

WHEREAS, once that designation is given to a route or street, traffic mitigation devices not acceptable to the Fire District will no longer are allowed to be installed unless approved by the Fire Chief; and

WHEREAS, the Board of Directors accepts the report as submitted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Menlo Park Fire Protection District that:

1. The Board of Directors adopts the Primary Emergency Response Routes for the Fire District attached hereto as Exhibit 1 in the same or substantially the same form as submitted in the report.

I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the Board of Directors of the Menlo Park Fire Protection District at its regular meeting held on the 16th day of August 2011, by the following vote:

AYES:		
NOES:		
ABSENT:		
ABSTAIN:		
ATTESTED:	Deanna Riding, Clerk of the Board	APPROVED: Rexford Ianson, Board President

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Attachment A

Almendral Avenue – Town of Atherton Between El Camino Real and Selby Lane

Alpine Road – City of Menlo Park Between Highway 280 and Sand Hill Road

Atherton Avenue – Town of Atherton Between Alameda De Las Pulgas and Middlefield Road

Austin Avenue – Town of Atherton Between Stockbridge Avenue and Atherton Avenue

Avy Avenue – City of Menlo Park Between Altschule Avenue and Orange Avenue

Bay Road – City of Menlo Park and San Mateo County Between Marsh Road and Willow Road

Bay Road – City of East Palo Alto Between Newbridge Street and District limits (End)

Bohannon Drive – City of Menlo Park Between Marsh Road and Scott Drive

Capital Avenue – City of East Palo Alto Between East Bayshore Road and Runnymede Street

Capital Avenue – City of East Palo Alto Between University Avenue and West Bayshore Road

Chilco Street – City of Menlo Park Between Bayfront Expressway and Newbridge Street

Clarke Avenue – City of East Palo Alto Between Bay Road and East Bayshore Road

Coleman Avenue – City of Menlo Park Between Ringwood Avenue and Willow Road

Constitution Drive – City of Menlo Park Between Marsh Road and Chilco Street

Cooley Avenue – City of East Palo Alto Between University Avenue and Donohoe Street

Cotton Street – City of Menlo Park Between Valparaiso Avenue and Middle Avenue

Donohoe Street – City of East Palo Alto Between East Bayshore Road and East Bayshore Road

Primary Response Routes – August 16, 2011

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East Bayshore Road – City of East Palo Alto Between Saratoga Avenue and District Limits

East O'Keefe Street – City of East Palo Alto Between Menalto Avenue and Euclid Avenue

Edison way – County of San Mateo Between 1st Avenue and Fair Oaks Avenue

El Camino Real – State Highway Between Districts limits and District limits

Elena Avenue – Town of Atherton Between Atherton Avenue and Valparaiso Avenue

Euclid Avenue – City of East Palo Alto Between East O'Keefe Street and Woodland Avenue

FairOaks Avenue – San Mateo County Between Edison Way and Marsh Road

Fair Oaks Lane – Town of Atherton Between Middlefield Road and El Camino Real

Fifth Avenue – San Mateo County Between El Camino Real and Edison Way

Fordham Street – City of East Palo Alto Between Bay Road and Illinois Street

Gilbert Avenue – City of Menlo Park Between Santa Monica Avenue and Menalto Avenue

Glenwood Avenue – City of Menlo Park Between Middlefield Road and El Camino Real

Hamilton Avenue – City of Menlo Park Between Pierce Road and Hamilton Court

Illinois Street – City of East Palo Alto Between Fordham Street and Bay Road

James Avenue – Town of Atherton Between Middlefield Road and Catalpa Drive

Kavanaugh Drive – City of East Palo Alto Between O'Brien Drive and University Avenue

Laurel Street – City of Menlo Park Between Ravenswood and Waverly Street

Case 3:17-cv-07357-RS Document 160-1 Filed 01/21/21 Page 35 of 39 Linfield Drive – City of Menlo Park

Between Middlefield Road and Waverly Street

Marsh Road – Town of Atherton and San Mateo County Between Middlefield Road and Bayfront Expressway

Menalto Avenue – City of Menlo Park Between Woodland Avenue and O'Keefe Street

Middle Avenue – City of Menlo Park Between Olive Street and El Camino Real

Middlefield Road - San Mateo County Between Districts limits and District limits

Monte Rosa Drive - City of Menlo Park Between Sand Hill Road and Altschule Avenue

Newbridge Street – City of Menlo Park Between Chilco Street and Bay Road

North Lemon Avenue – City of Menlo Park Between Valparaiso Avenue and Santa Cruz Avenue

Oakdell Drive - City of Menlo Park Between Santa Cruz Avenue and Olive Street

Oak Grove Avenue – City of Menlo Park and Town of Atherton Between University Drive and Green Oaks Drive

O'Brien Drive – City of Menlo Park and East Palo Alto Between Willow Road and University Avenue

O'Connor Street - City of East Palo Alto Between Menalto Avenue and Euclid Avenue

O'Connor Street - City of East Palo Alto Between Daisy Lane and Clarke Avenue

O'Keefe Street - City of Menlo Park Between Willow and Menalto Avenue

Olive Street – City of Menlo Park Between Santa Cruz Avenue and Bay Laurel Drive

Palmer Lane – San Mateo County Between Fair Oaks Avenue and Middlefield Road

Pierce Road - City of Menlo Park Between Alpine Avenue and Willow Road

Case 3:17-cv-07357-RS Document 160-1 Filed 01/21/21 Page 36 of 39 Pulgas Avenue – City of East Palo Alto

Between Bay Road and East Bayshore Road

Ravenswood Avenue – City of Menlo Park Between Middlefield Road and El Camino Real

Ringwood Avenue – City of Menlo Park Between Middlefield Road and Van Buren Road

Runnymede Street – City of East Palo Alto Between University Avenue and Pulgas Avenue

Sandhill Road – City of Menlo Park Between Highway 280 and Santa Cruz Avenue

Santa Clara Avenue – San Mateo County Between Woodside Road and Stockbridge Avenue

Santa Cruz Avenue – City of Menlo Park Between Sand Hill Road and El Camino Real

Santa Monica Avenue – City of Menlo Park Between Middlefield Road and Coleman Drive

Scott Drive – City of Menlo Park Between Marsh Road and Bohannon Drive

Selby Lane – Town of Atherton Between El Camino Real and Atherton Avenue

Semi-Circular Road - San Mateo County Between 5th Avenue and Middlefield Road

Sharon Park Drive – City of Menlo Park Between the access road to Sand Hill Circle and Sand Hill Road

Sharon Road – City of Menlo Park Between Sharon Park Drive and Alameda De Las Pulgas

Stockbridge Avenue – Town of Atherton Between El Camino Real and Alameda de las Pulgas

University Drive – City of Menlo Park Between Valparaiso Avenue and Creek Drive

University Avenue – State Highway Between District limits and Bayfront Expressway

Valparaiso Avenue – City of Menlo Park Between Hallmark Circle and El Camino Real

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Walsh Road - Town of Atherton Between Alameda de las Pulgas and Valley Road

Waverly Street – City of Menlo Park Between Laurel Street and Linfield Drive

Watkins Avenue – Town of Atherton Between Middlefield Road and El Camino Real

West Bayshore Road – Town of Atherton Between Capital Avenue District limits

West Selby Lane – San Mateo County Between Santa Clara Avenue and Selby Lane

Willow Road – City of Menlo Park Between Alma Street and Bayfront Expressway

Woodland Avenue – City of East Palo Alto Between Euclid Avenue and West Bayshore Road

